

**Before the
Federal Communications Commission
Washington D.C. 20554**

In the Matter Of The Application of)	
)	
Windstream Services, LLC and)	
Broadview Networks, Inc. and)	
Cavalier Telephone Mid-Atlantic, LLC)	WC Docket No. _____
)	
For An Automatic Grant of Authority)	
To Discontinue Services Pursuant to)	
Rule Section 63.71(i) and Section 214)	
of the Communications Act of 1934)	

**SECTION 63.71(i) APPLICATION OF WINDSTREAM SERVICES, LLC AND
BROADVIEW NETWORKS, INC. AND CAVALIER TELEPHONE MID-ATLANTIC,
LLC**

Broadview Networks, Inc. and Cavalier Telephone Mid-Atlantic, LLC, subsidiaries of Windstream Services, LLC (hereinafter, “Windstream”), through their undersigned counsel and pursuant to Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. §214, and Section 63.71(i) of the Federal Communications Commission’s (“Commission”) rules, 47 C.F.R. §63.71(i), hereby files this Application for automatic grant of authority to discontinue, concurrent with the effective date of Verizon’s retirement of the underlying copper facilities, for the services and in the areas hereinafter identified. In support of this Application, Windstream submits the following information:

1. Information listed in 47 C.F.R. § 63.71(a)(1)-(4) (47 C.F.R. § 63.71(b)(2)):

a. Name and Address of Carrier (47 C.F.R. § 63.71(a)(1)-(4), (b)(2)):

Broadview Network, Inc.¹

¹ FRN 0003775285

Cavalier Mid-Atlantic, LLC.²

4001 North Rodney Parham Rd.
Little Rock, AR 72212

b. Date of Planned Discontinuance (47 C.F.R. § 63.71(a)(2), (b)(2)):

Windstream plans to discontinue the Affected Services on or about March 17, 2021.

c. Point of Geographic Areas of Service Affected (47 C.F.R. § 63.71(a)(3), (b)(2)):

The Affected Services will be discontinued in the areas of Pittsburgh, PA and Jersey City, NJ.

d. Brief Description of the Type of Service to be Affected (47 C.F.R. § 63.71(a)(4), (b)(2)):

The regulated services to be affected are Ethernet Over Copper the (“Affected Services”).

2. Brief Description of the Dates and Methods of Notice to All Affected Customers (47 C.F.R. § 63.71 (b)(3)):

On December 15, 2020, Windstream sent by First Class U.S. Mail notice to the affected customers of the planned discontinuance. A copy of such notice is attached hereto as Attachment 1, which is compliant with, among other things, Section 63.71(a)(5) of the Commission’s rules, 47 C.F.R. § 63.71(a)(5).

3. Regulatory Classification of Carrier (47 C.F.R. § 63.71 (a)(4)):

Windstream is nondominant with respect to the services that it proposes to discontinue.

² FRN 0015799133

4. Service:

In accordance with Section 63.71(a)(1) of the Commission's rules, 47 C.F.R. § 63.71(a)(1), Windstream is submitting a copy of this Application by First Class U.S. Mail to the Pennsylvania Public Utility Commission, Office of Pennsylvania Governor Tom Wolf, New Jersey Board of Public Utilities, Office of New Jersey Governor Phil Murphy, and also to the Secretary of Defense (at the address given in 47 C.F.R. § 63.71(a)).

5. Additional Questions Regarding This Application May be Addressed to the Undersigned.

6. Circumstances of Discontinuance.

Windstream provides the Affected Services in the above-identified areas via a copper-based network that Windstream leases from Verizon. Verizon is retiring the copper network in these locations and replacing it with fiber facilities. It is not technically feasible under the circumstances for Windstream to provide the Affected Services via leased fiber loops -- i.e., the Affected Services are provided on end-of-life copper facilities that are scheduled to be decommissioned on or after March 17, 2021. A total of two (2) Windstream business customers will be affected as a result of Verizon's copper retirement. The affected customers will have the option to transition to alternative services delivered via Windstream or through another provider.

7. Technology Transition

This change should not be considered a technology transition³ as Verizon will still continue to offer a TDM service to this service territory. In addition, Windstream does have a stand-alone interconnected VoIP service available throughout the affected service areas.⁴

³ 47 C.F.R. §63.60(i).

⁴ 47 C.F.R. §63.71(f)(2)(ii)(A) and (B).

8. Conclusion

Verizon's retirement of copper facilities is the direct cause of Windstream's proposed discontinuance of the Affected Services. Thus, automatic approval concurrent with the effective date of the copper retirement – i.e., March 17, 2021 is available, contingent upon the submission of a certification by an authorized representative of the Applicant that the discontinuance is caused by the copper retirement,⁵ and upon the filing of the Application at least forty (40) days prior to the retirement effective date, which is satisfied here.⁶ Windstream will take reasonable steps, to the extent that is able, to assure that the discontinuance of this service is not unduly disruptive to the present or future public convenience and necessity. Accordingly, Windstream respectfully requests that the Commission process this Application pursuant to Section 63.71(i).

Respectfully Submitted,

/s/ Nicole Winters

Nicole Winters
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February 2, 2021

⁵ See Attachment 2.

⁶ 47 C.F.R. §63.71(i)(1) and (2).

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Section 63.71 Application was served this 2nd day of February, 2021, by electronic mail or mailing true and correct copies thereof, postage prepaid, to the following persons to the addresses listed below.

Secretary of Defense
Attn: Special Assistance for Telecommunications
Pentagon
Washington, DC 20301

New Jersey Board of Public Utilities
Attn: Aida Camacho-Welch, Secretary of the Board
44 South Clinton Avenue
Trenton, NJ 08625-0350
Aida.camacho@bpu.nj.gov

Office of Governor Phil Murphy
P.O. Box 001
Trenton, NJ 08625

Pennsylvania Public Utility Commission
Attn: Rosemary Chiavetta
Secretary to the Commission
P.O. Box 3265
Harrisburg, PA 17105
rchiavetta@pa.gov

Office of Governor Tom Wolf
508 Main Capitol Building
Harrisburg, PA 17120

/s/ Nicole Winters
Nicole Winters

Attachment 1

Windstream Services, LLC
4001 N. Rodney Parham Rd.
Little Rock, AR 72212

December 15, 2020

«CONTACT_FIRST_NAME» «CONTACT_LAST_NAME» «Contact_2»
«BILL_ACCOUNT_NAME»
«BILLING_ADDRESS_1» «BILLING_ADDRESS_2»
«BILLING_CITY», «BILLING_STATE» «BILLING_ZIP»

**If you are not the site contact
or administrator, please pass
this important notification on
to the appropriate party.**

IMPORTANT: Service Discontinuance Notification for «PRODUCT»

Account #: «BILLABLE_ACCOUNT_ID»

Service Location: «Service_Address»

This Change in Service Requires Action on Your Part

Dear Valued Customer,

As a valued Windstream Enterprise customer, we want to let you know that changes are occurring at the location from which your service is provisioned.

One of our underlying providers is retiring the network facilities used to **support PBX Trunks and Ethernet Over Copper services effective March 17, 2021. As a result, customers who subscribe to any of these services in Pittsburgh, PA or Jersey City, NJ will no longer have access to these services after March 17, 2021.** Your account has been identified as an account that currently subscribes to one of these services at the service location specified above; please note, this network change does not affect other services or like services provisioned through another underlying provider. If you have recently renewed the services covered by this letter, this service discontinuance notice supersedes (or prevails) for those renewed services.

The change requires action on your part. An Account Representative will be contacting you shortly to make you aware of your options and assist you in any way possible to ensure a smooth transition prior to the service retirement.

The FCC will normally authorize this proposed discontinuance of service (or reduction or impairment) unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments as soon as possible, but no later than 15 days after the Commission releases public notice of the proposed discontinuance. You may file your comments electronically through the FCC's Electronic Comment Filing System using the docket number established in the Commission's public notice for this proceeding, or you may address them to the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, Washington, DC 20554, and include in your comments a reference to the § 63.71 Application of Windstream Services, LLC. Comments should include specific information about the impact of this proposed discontinuance (or reduction or impairment) upon you or your company, including any inability to acquire reasonable substitute service.

Thank you for your time and attention to this important matter. If you have any questions, please contact us at 800.600.5050.

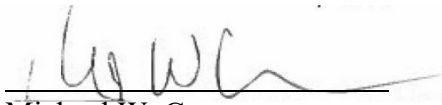
Best regards,
Customer Care

Attachment 2

Certification Pursuant to Sec 63.71(i)(2)

I am Director, Access, for Broadview Networks, Inc. and Cavalier Telephone Mid-Atlantic, LLC, Windstream Services, LLC subsidiaries. Pursuant to Federal Communications Commission (“FCC”) Rule 63.71(i)(2), 47 C.F.R. §63.71(i)(2), I hereby certify, under penalty of perjury, that copper retirement is the basis for Windstream’s foregoing application for discontinuance of service. I further certify that I am authorized to execute this certification.

Executed: February 2, 2021

A handwritten signature in dark ink, appearing to read "M. W. Crean", is written over a horizontal line.

Michael W. Crean
Director – Access
Broadview Network, Inc.
Cavalier Telephone Mid-Atlantic, LLC